Supreme Court, U.S.
FILED
DEC 20 1994
OFFICE OF THE CLERK

No. 94-720

In The

Supreme Court of the United States

October Term, 1994

DÉSIRÉE DeVRIES, WILLIAM BAKER, SANDRA COTA, LORRAINE GILLIS, ARMAND LANDRY, SUZANNE WILSON and DANIEL WOODWARD,

Petitioners,

v.

STATE OF VERMONT,

Respondent.

On Petition For Writ Of Certiorari To The Vermont Supreme Court

RESPONDENT'S BRIEF IN OPPOSITION

JEFFREY L. AMESTOY
Attorney General
WILLIAM E. GRIFFIN
Chief Assistant Attorney General
*SUSAN R. HARRITT
Assistant Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-3171

*Counsel of Record

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

48 pp

TABLE OF CONTENTS

Page

STATEMENT OF THE CASE 1

REASONS FOR DENYING PETITION 3

1. Neither the Vermont Supreme Court nor the Vermont General Assembly Imposed a 16.4% Limit on Population Deviations 4

2. The Vermont General Assembly and the Vermont Supreme Court Acted in a Manner Consistent with the Precedents of this Court 5

CONCLUSION 9

APPENDIX A-1

Vermont Statutes Annotated, Title 17, Chapter 34, Elections A-1

Acts and Resolves Passed by the General Assembly of the State of Vermont, 1992 Session A-7

Transcript of Meeting of Special House Committee on Redistricting, July 8, 1993 ..... A-34

TABLE OF AUTHORITIES

Page

CASES

Brown v. Thompson, 462 U.S. 835 (1983) 6, 8

Chapman v. Meier, 420 U.S. 1 (1975) 6, 7, 8

In re Reapportionment of Town of Hartland, 160 Vt. 9, 624 A.2d 323 (1993) 2, 5, 7

In re Senate Bills 177 and 83, 132 Vt. 282, 318 A.2d 157 (1974) 7

Mahan v. Howell, 410 U.S. 315 (1973) 4, 5, 8

Rural West Tennessee African-American Affairs Counsel v. McWherter, 836 F.Supp. 447 (W.D.Tenn. 1993), affirmed sub nom Millsap v. Langsdon, ___ U.S. ___ 114 S.Ct. 1183, 127 L.Ed.2d 534 (1994) 5

Swann v. Adams, 385 U.S. 440 (1967) 6, 8

White v. Regester, 412 U.S. 755 5

CONSTITUTIONAL PROVISIONS

Vt. Const. ch. II, § 13 1

Vt. Const. ch. II, § 73 ..... 1, 6

STATUTES AND RULES

Vt.Stat.Ann., tit.17, § 1893 1

Vt.Stat.Ann., tit.17, § 1903 ..... 1, 6

OTHER

F.A. No. 147 (1991 Vt., Adj.Sess.) 1

STATEMENT OF THE CASE

The Vermont Constitution requires the periodic reapportionment of the Vermont legislature. The General Assembly must revise legislative districts every eight years "in order to maintain equality of representation . . . as nearly as it is practicable." Vt. Const. ch. II, § 73. In the process the General Assembly must "seek to maintain geographic compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions." Vt. Const. ch. II, § 13.

These constitutional objectives are amplified by state statutes. The "standard for creating districts . . . shall be to form districts with minimum percentages of deviation from the [population] standard . . . " 17 V.S.A. § 1903(b). Also, but only "insofar as practicable", districts must be formed with regard to "existing political subdivision lines", "patterns of geography, social interaction, trade, political ties and common interests" and the use of "compact and contiguous territory". *Id.*

In 1992, acting pursuant to these laws, the General Assembly revised the legislative districts for Vermont's 30 senators and 150 representatives. It created 73 initial multi member representative districts, 17 V.S.A. § 1893, and subdivided them into 109 one and two member representative districts. P.A. No. 147 (1991 Vt., Adj.Sess.).

Petitioners and others challenged several of the new legislative districts. Petitioners complained that their district was flawed because it joined their town of Montgomery, in Franklin County, with other towns situated in Orleans County. A divided Vermont Supreme Court (3-2)

remanded the Montgomery case to the Legislature for further consideration, ruling that:

> The Legislature shall revise and correct the plan so as to place the town of Montgomery in a district that conforms with statutory and constitutional requirements and make any other necessary changes, or provide this Court with information indicating that it is not possible to make such changes while satisfying all constitutional and statutory criteria with respect to the other districts and the plan in its entirety.

In re Reapportionment of Town of Hartland, 160 Vt. 9, 48-49, 624 A.2d 323, 346 (1993).

Petitioners moved for reargument, seeking approval for a plan that placed Montgomery in a Franklin County district. The plan they proposed would have increased the state wide deviation (based on the populations of the largest and smallest legislative districts) from 17.6% to 28.8%. *See* Petiion at 7. Reargument was denied, *see* App. 75 (Entry Order filed February 24, 1993) and App. 73 (Entry Order filed May 5, 1993), but the Court noted that it had "not foreclosed the Legislature from considering any alternative or creating any particular district." App. 73.

The General Assembly responded to the Court's decision by establishing a special committee which conducted hearings in Montgomery and Montpelier. App. 90. As a result of these hearings, the special committee reported that:

> . . . [N]o alternative plan which placed Montgomery in a House district with other towns in its county was possible without also violating

> the statutory and constitutional redistricting criteria as they affect other towns, or would cause the House districting plan as a whole to have an overall percentage deviation from equality among districts of 28.8 percent, which, in the judgment of the Committee, is of such magnitude as to violate the 'one person-one vote' principle protected by the Equal Protection Clause of the 14th Amendment to the United States Constitution and the Vermont Constitution, and thus would violate the plan for the state as a whole . . .

App. 91. The committee report was considered and adopted by the Vermont Senate and House of Representatives and filed with the Vermont Supreme Court. App. 92.

After another round of briefing the Vermont Supreme Court accepted the Legislature's determination. Specifically, the Court decided that the Legislature had satisfied its mandate by conducting hearings and finding that the original plan "more fully complied with constitutional and statutory criteria than other potential alternate plans." App. 1-2 (Entry Order filed July 25, 1994). The Court rejected petitioners' contention that it had failed to give the Legislature "clear guidance" on the federal constitution's one-person, one-vote requirement. *Id.*

REASONS FOR DENYING PETITION

Petitioners ask this Court to order the Vermont Supreme Court to instruct the Vermont legislature "that no arbitrary limit of 16.4 percent exists with regard to the

population deviations in reapportionment plans." Petition at 14. The petition should be denied because:

First, neither the Vermont Supreme Court nor the Vermont legislature recognized an arbitrary limit of 16.4 percent; and

Second, the Legislature made a fact specific determination, ultimately accepted by the Vermont Supreme Court, that conforms with the precedents of this Court.

1. Neither the Vermont Supreme Court nor the Vermont General Assembly Imposed a 16.4% Limit on Population Deviations.

The reapportionment plan enacted by the Vermont General Assembly and ultimately approved by the Vermont Supreme Court has a total deviation of 17.6%. App. 8. At one point in their argument the petitioners concede as much. Petition at 7. There is accordingly no basis for Petitioners' claim that Vermont imposed an arbitrary or absolute 16.4% limit on population deviations.

The General Assembly was aware of this Court's ruling, in *Mahan v. Howell*, 410 U.S. 315, 329 (1973), that a deviation of 16.4% "may well approach tolerable limits . . . " Legislators were advised that "the first criteria is the one person one vote criteria", and that 16.4% provided a "guideline" or "safe harbor". Resp App. A-35, A-36. (Transcript of July 8, 1993 Meeting of Special Committee on Redistricting). They nevertheless concluded that it was necessary to "stretch" beyond that limit in two or three instances, and that a 17.6% deviation was defensible. *Ibid.*

The Vermont Supreme Court also discussed *Mahan* and the 16.4% threshold, and declined to rule that the 28.8% deviation in petitioners' plan "would pass constitutional muster". *Hartland*, 160 Vt. at 25, 624 A.2d at 332-33. *See also* App. 73 (Entry Order on renewed motion for reargument) ("In any event, our approval of a particular plan at this juncture would be, in effect, an advisory opinion.") On the other hand, the Court noted that the Legislature was "not foreclosed from considering any alternative or creating any particular district". *Id.* In the final analysis the Court deferred to the Legislature's determination that the constitutional and statutory criteria "would not be better served" by petitioner's plan. App. 2 (final Entry Order).

Neither the Legislature nor the Court ever treated the 16.4% number as an absolute limitation.

2. The Vermont General Assembly and the Vermont Supreme Court Acted in a Manner Consistent with the Precedents of this Court.

The relevant reapportionment precedents were summarized in *Rural West Tennessee African-American Affairs Counsel v. McWherter*, 836 F.Supp. 447 (W.D.Tenn. 1993), affirmed sub nom *Millsap v. Langsdon*, ___ U.S. ___, 114 S.Ct. 1183, 127 L.Ed.2d 534 (1994). Population deviations below 10% are treated as de minimis. 836 F.Supp. at 450 (citing *White v. Regester*, 412 U.S. 755). Deviations in excess of 16.4% "*may* be insupportable on any grounds". *Ibid.* (emphasis added) (citing *Mahan v. Howell, supra*, 410 U.S. 315). And deviations between 10% and 16.4% are

defensible if the deviation serves a policy of preserving political subdivisions. *Ibid.* (citing *Mahan*).

In the present case Vermont exceeded 16.4%, but not by much. The General Assembly was bound by state as well as federal equal protection standards and was sensitive to them. It was obligated to "maintain equality of representation . . . as nearly as it is practicable", Vt. Const., Ch. II, § 73, and "to form districts with minimum percentages of deviation . . . ", 17 V.S.A. § 1903(b). It reduced the deviation in a draft plan proposed by the Advisory Apportionment Board by more than two percentage points. App. 81 (Master's Findings).

The Legislature prudently rejected the more relaxed approach and the 28.8% deviation advocated by petitioners. The precedents cited by petitioners – *Swann v. Adams,* 385 U.S. 440 (1967), *Chapman v. Meier,* 420 U.S. 1 (1975) and *Brown v. Thompson,* 462 U.S. 835 (1983) – give no assurance that such a large deviation would satisfy Equal Protection requirements. These cases most certainly do not suggest that a 28.8% deviation is constitutionally mandated in this case.

The *Swann* case decided only that deviations as great as 30% and 40% would fail absent "a satisfactory explanation grounded on acceptable state policy." 385 U.S. at 444. The Court's opinion actually signalled that the Florida plan in question in that case would not pass muster. *Id.* at 445 (" . . . [I]t seems quite obvious that the State could have come much closer to providing districts of equal population . . . ".) By no means did the case approve a 30% or 40% deviation.

In *Chapman* the Court flatly rejected a 20% deviation in a court-ordered plan and made two observations that undercut the petitioners' argument here. The Court noted that "in a state with a small population each individual vote may be more important to the result of an election . . . [so that] particular emphasis should be placed on establishing districts with as exact population equality as possible." 420 U.S. at 25. And it noted that it was "far from apparent that North Dakota policy currently requires or favors strict adherence to political lines." *Id.*

The North Dakota districts at issue in *Chapman* had an average population of 12,355 per senator. *Id.* at 12. The Vermont districts at issue here have an average population of just 3,752 persons per representative. App. 79, ¶ 4. Individual votes are even more important in Vermont so even more emphasis should be placed on population equality in this State.

Vermont is also comparable to North Dakota in that Vermont does not strictly adhere to county lines. Vermont's representative districts breach county lines in twenty instances including the Montgomery district. Resp. App. A-1 – A-33 (e.g., Addison-Rutland-1). This result was unremarkable because in Vermont "the integrity of individual towns [is] held of high importance", while the counties serve a lesser role. *In re Senate Bills 177 and 83*, 132 Vt. 282, 287, 318 A.2d 157, 160-61 (1974); *see also Hartland*, 160 Vt. at 54, 624 A.2d at 349 (Dooley, J., concurring and dissenting) ("County lines are of limited significance to house districts because of the very limited county government in Vermont.")

The third precedent cited by Petitioners, *Brown v. Thompson,* is inapposite. It was decided with regard to Wyoming's policy of preserving county boundaries – a policy that was "followed for decades" and "applied consistently throughout the state." 462 U.S. at 843. Vermont has no such policy. Also, the narrow legal issue in *Brown* was whether the consistent policy of preserving county boundaries justified "*additional* deviations from population equality . . . " *Id.* at 846 (emphasis added). The *Brown* appellants had deliberately limited their lawsuit so that the Court did not even decide whether a particular statewide deviation was permissible. *Ibid.*

Petitioners have also cited several state court decisions. Petition at 12. Here, as in *Mahan,* those citations are "of limited use in determining the constitutionality" of the statute in question. 410 U.S. at 328-29. "[R]eapportionment is primarily the duty and responsibility of the state through its legislature or other body . . . ", *Chapman v. Meier, supra,* 420 U.S. at 27, and "the fact that a 10% or 15% variation from the norm is approved in one state has little bearing on the validity of a similar variation in another state". *Swann v. Adams, supra,* 385 U.S. at 445.

The Vermont legislature reasonably determined that an apportionment plan with a deviation of 17.6% better served the constitutional and statutory criteria, both numerical and non-numerical, than Petitioners' plan with a 28.8% deviation. The Vermont Supreme Court accepted that result. There is no precedent of this Court that casts doubt on either judgment.

CONCLUSION

For the above reasons the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

State of Vermont

JEFFREY L. AMESTOY
Attorney General

SUSAN R. HARRITT
Assistant Attorney General

WILLIAM GRIFFIN
Chief Assistant
Attorney General

VERMONT STATUTES ANNOTATED
TITLE SEVENTEEN
ELECTIONS
Chapter 34. State Representatives

§ 1893. Initial division

The state is divided into the following initial districts, each of which shall be entitled to the indicated number of representatives:

District	Towns and Cities	Representatives
Addison-1	Addison, Bridport, Ferrisburg, Panton, Vergennes and Waltham	2
Addison-2	Lincoln, Monkton and Starksboro	1
Addison-3	Bristol	1
Addison-4	Cornwall, Middlebury, New Haven and Weybridge	3
Addison-Rutland-1	Orwell, Shorcham, Benson and Hubbardton	1
Addison-Rutland-2	Goshen, Hancock, Leicester, Ripton, Salisbury, Whiting and Sudbury	1
Bennington-1	Arlington, Sandgate and Sunderland	1
Bennington-2	Bennington, Glastenbury, Readsboro, Shaftsbury, Stamford and Woodford	6
Bennington-3	Pownal	1

Bennington-4	Manchester	1
Bennington-Rutland-1	Dorset, Pern, Winhall, Danby and Landgrove	1
Caledonia-1	Hardwick, Stannard and Walden	1
Caledonia-2	St. Johnsbury	2
Caledonia-3	Barnet, Ryegate and Waterford	1
Caledonia-4	Burke, Lyndon and Sutton	2
Caledonia-Washington-1	Danville, Peacham and Cabot	1
Chittenden-1	Colchester and Winooski	6
Chittenden-2	Essex, Milton and Westford	7
Chittenden-3	Bolton, Jericho and Underhill	2
Chittenden-4	Richmond	1
Chittenden-5	Charlotte, St. George, Shelburne and Williston	4
Chittenden-6	Hinesburg	1
Chittenden-7	Burlington and South Burlington	14
Essex-Caledonia-1	Bloomfield, Brunswick, Concord, Granby, Guildhall, Lemington, Lunenburg, Maidstone, Victory and Kirby	1

Essex-Caledonia-2	Averill, Avery's Gore, Brighton, Canaan, Ferdinand, East Haven, Lewis, Norton, Warren's Gore, Warner's Grant and Newark	1
Franklin-1	Franklin and Highgate	1
Franklin-2	Bakersfield, Berkshire, Enosburg and Richford	2
Franklin-3	St. Albans City and St. Albans Town	3
Franklin-4	Fairfield and Sheldon	1
Franklin-5	Fairfax, Fletcher and Georgia	2
Franklin-Grand Isle-1	Swanton and Alburg	2
Grand Isle-1	Grand Isle, Isle La Motte, North Hero and South Hero	1
Lamoille-1	Belvidere, Cambridge and Waterville	1
Lamoille-2	Hyde Park, Morristown, Stowe and Wolcott	3
Lamoille-3	Eden and Johnson	1
Orange-1	Braintree, Brookfield and Randolph	2
Orange-2	Chelsea, Orange, Tunbridge, Vershire, Washington and Williamstown	2
Orange-3	Bradford and Corinth	1

Orange-4	Fairlee, Thetford and West Fairlee	1
Orange-Caledonia-1	Newbury and Topsham, Groton	1
Orleans-1	Brownington, Charleston, Derby, Holland and Morgan	2
Orleans-2	Coventry, Irasburg, Newport City and Newport Town	2
Orleans-Caledonia-1	Albany, Barton, Craftsbury, Glover, Greensboro, Westmore, Sheffield and Wheelock	2
Orleans-Franklin-1	Jay, Lowell, Troy, Westfield and Montgomery	1
Rutland-1	Castleton, Fair Haven, and West Haven	2
Rutland-2	Brandon and Pittsford	2
Rutland-3	Poultney	1
Rutland-4	Mt. Holly, Mt. Tabor, Tinmouth and Wallingford	1
Rutland-5	Rutland Town	1
Rutland-6	Rutland City	5
Rutland-7	Clarendon, Ira, Proctor and West Rutland	2
Rutland-Bennington-1	Middletown Springs, Pawlet, Wells and Rupert	1

Rutland-Windsor-1	Chittenden, Mendon, Sherburne and Bridgewater	1
Washington-1	Moretown, Northfield and Roxbury	2
Washington-2	Calais, East Montpelier, Marshfield, Plainfield and Woodbury	2
Washington-3	Barre Town	2
Washington-4	Barre City and Berlin	3
Washington-Addison-1	Fayston, Waitsfield, Warren, Granville	1
Washington-Chittenden-1	Duxbury, Waterbury, Buel's Gore and Huntington	2
Washington-Lamoille-1	Middlesex, Montpelier, Worcester and Elmore	3
Windham-1	Athens, Dummerston, Putney and Westminster	2
Windham-2	Brattleboro	3
Windham-3	Brookline, Marlboro, Newfane, and Townshend	1
Windham-4	Dover, Jamaica, Londonderry, Stratton and Wardsboro	1
Windham-5	Guilford and Vernon	1
Windham-Bennington-1	Halifax, Somerset, Whitingham, Wilmington and Searsburg	1

Windsor-1	Windsor	1
Windsor-2	Barnard, Hartford, Pomfret, Reading and Woodstock	4
Windsor-3	Hartland and West Windsor	1
Windsor-4	Cavendish and Weathersfield	1
Windsor-5	Andover, Baltimore, Chester and Weston	1
Windsor-Orange-1	Norwich, Royalton, Sharon and Strafford	2
Windsor-Rutland-1	Ludlow, Plymouth and Shrewsbury	1
Windsor-Rutland-2	Bethel, Rochester, Stockbridge and Pittsfield	1
Windsor-Windham-1	Springfield, Grafton, Rockingham and Windham	4

Acts and Resolves Passed by the General Assembly of the State of Vermont

1992 SESSION

NO. 147. AN ACT RELATING TO SUBDIVISION OF INITIAL REPRESENTATIVE DISTRICTS.

(H.964)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. SUBDIVISION OF INITIAL MULTI-MEMBER DISTRICTS INTO SINGLE AND TWO MEMBER REPRESENTATIVE DISTRICTS

The following initial representative districts established in section 1893 of Title 17 are subdivided into the following single and two member representative districts:

(1) *Addison-4:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 31, 1992.

Addison

4-1 *(1)*

Consisting of the Towns of New Haven, Weybridge and Cornwall and three Middlebury College dormitories (Hadley, Kelley and Lang) located in the Town of Middlebury.

Addison 4-2 *(2)*

Consisting of all that portion of the Town of Middlebury not located in Addison 4-1.

(2) *Bennington-2:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the

Committee on Government Operations, dated April 6, 1992.

Bennington 2-1 *(2)*

Consisting of that portion of the Town of Bennington encompassed within a boundary beginning at the southwest corner of the Town of Bennington and proceeding easterly along the boundary between the Towns of Bennington and Pownal to the western edge of properties bordering on U.S. Route 7, thence proceeding northerly along the western edge of said properties to the intersection of U.S. Route 7 and Monument Road, thence northerly along the center line of Monument Road to the village line of Old Bennington Village, thence proceeding easterly and northerly along said village line to the intersection of the village line and West Main Street, thence easterly along the center line of West Main Street to the intersection of West Main Street and North Street, thence northerly along the center line of North Street and Hunt Street to the intersection of Hunt Street and the Roaring Branch of the Walloomsac River, thence easterly along the center line of the Roaring Branch to the boundary between the Towns of Bennington and Woodford, thence northerly along said boundary to a point which is due easterly in a straight line from the southernmost point of the Chapel Park Trailer Park on Chapel Road, thence northerly along the center line of Chapel Road to the boundary between the Towns of Bennington and Shaftsbury, thence westerly along said boundary to the northwest corner of the Town, thence southerly along the boundary line between the Town of Bennington and the State of New York to the point of beginning.

Bennington 2-2 *(1)*

consisting of the Towns of Stamford, Readsboro and Woodford; and that portion of the Town of Bennington encompassed within a boundary beginning at the intersection of County and North Branch Streets, thence southerly along the center line of North Branch Street and South Branch Street, thence easterly along the center line of Beach Street Extension and Gore Road to the Woodford town line, thence northerly along said boundary to the intersection of said boundary and the Roaring Branch of the Walloomsac River, thence westerly along the center line and North Branch Street and County Street to the point of beginning.

Bennington 2-3 *(2)*

Consisting of all that portion of the Town of Bennington not located in Districts Bennington 2-1, 2-2 or 2-4.

Bennington 2-4 *(1)*

Consisting of the Towns of Glastonbury and Shattsbury; and that portion of the Town of Bennington encompassed within a boundary beginning at the northeast corner of the Town of Bennington, thence westerly along the boundary line between the Towns of Bennington and Shaftsbury to the intersection of said boundary and Chapel Road, thence southerly along the center line of Chapel Road to the intersection of Chapel Road and the southernmost point of the Chapel Park Trailer Park, thence due easterly in a straight line to the intersection of said line and the boundary line between the Towns of Bennington and Woodford, thence northerly along said boundary to the point of beginning.

(3) *Chittenden 1:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 30, 1992.

Chittenden 1-1 *(2)*

Consisting of that portion of the Town of Colchester encompassed within a boundary with its western boundary beginning at the Winooski River and proceeding in a northeasterly direction, approximately 300 feet west of the end of Pine Island Road, to the intersection of Malletts Bay Avenue and Blakely Road, then along the center line of Malletts Bay Avenue to the shore of Lake Champlain, thence proceeding northerly along the shore of Lake Champlain to the Milton town line, thence easterly and southerly along the Milton, Essex and Winooski lines to the point of beginning. Excluded from the above described district is a small portion of St. Michael's College Main Campus more specifically described as Town House Clusters #100, #200, #300 and #400.

Chittenden 1-2 *(2)*

Consisting of that portion of the Town of Colchester which is not included in Chittenden Districts 1-1 or 1-3.

Chittendon 1-3 *(2)*

Consisting of the City of Winooski plus a small portion of St. Michael's College Main Campus in the Town of Colchester more specifically described as Town House Clusters #100, #200, #300 and #400.

(4) *Chittenden-2:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 30, 1992.

Chittenden 2-1 *(2)*

Consisting of the Town of Essex except that portion of the town located in District Chittenden 2-3, both sides of Pearl Street between Warner Avenue and Susie Wilson Road in Essex Junction, and the portion of Essex Junction encompassed within a boundary beginning at West Street extension, and extending along a straight line which parallels Clems Drive from West Street extension to the village boundary, and includes both sides of Clems Drive, Pine Court and West Street west of West Street extension, and the southwest side of Old Colchester Road from North Street to the Essex Junction Village/Town of Essex boundary line, and, in Essex Junction, the north side of Colchester Road from North Street to the Essex Junction Village/Town of Essex boundary line and both sides of Athens Drive.

Chittenden 2-2 *(2)*

Consisting of all of the Town of Milton except that portion of the town located in District Chittenden 2-3.

Chittenden 2-3 *(1)*

Consisting of all of the Town of Westford; and that portion of the Town of Essex from the Westford line along both sides of Old Stage Road to Colonel Page Road, on the west side of Old Stage Road to Lost Nation Road, on the north side of Lost Nation Road to Discovery Road, on the northwest side of Discovery to Route 2A and

follow 2A to the Colchester town line, thence north to Westford via Colchester and Milton town lines, then east to a point 200 feet east of Old Stage Road; and that portion of the Town of Milton located to the east of a boundary line beginning at the Colchester/Milton town line, thence northerly along the center line of the Central Vermont Railway right-of-way to the junction of the Main Street crossing, thence east along the center line of Main Street (State Aid #2) to the junction of North Road, thence along the center line of North Road (State Aid #5) to the Georgia/Milton town line.

Chittenden 2-4 *(2)*

Consisting of all of the portion of Essex Junction not included in District Chittenden 2-1.

Chittenden-5: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 31, 1992.

Chittenden 5-1 *(1)*

Consisting of the Town of St. George; and that portion of the Town of Williston encompassed within a boundary beginning at a point on the Williston/South Burlington town line at Interstate 89, thence southerly along the Williston/South Burlington line to the Shelburne town line, thence easterly along the Williston/Shelburne line to the St. George town line, thence easterly along the Williston/St. George line to the Hinesburg town line, thence easterly along the Williston/Hinesburg line to the Richmond town line, thence northerly along the Williston/Richmond line to Christmas Lane, thence westerly along Christmas Lane to South Road, thence southerly along South Road to Butternut

Road, thence westerly along Butternut Road to Oak Hill Road, thence northerly along Oak Hill Road to Interstate 89, thence westerly along Interstate 89 to the point of beginning; and that portion of the Town of Shelburne encompassed within a boundary beginning at a point on the Shelburne/South Burlington town line at U.S. Route 7, thence southerly along U.S. Route 7 to Monroe Brook, thence southerly along Monroe Brook to the northerly boundary of the Longmeadow Subdivision, thence easterly along the northerly boundary of the Longmeadow Subdivision and an extension of the northerly boundary of the Longmeadow Subdivision to the westerly boundary of the Shelburne Heights Subdivision, thence southerly and easterly along the west and south boundaries of the Shelburne Heights Subdivision, and including the properties of B. Tier and G. Roberts to Spear Street, thence southerly along Spear Street to Bishop Road, thence easterly along Bishop Road and an extension of the line of Bishop Road across Dorset Street to Shelburne Pond, thence southerly and easterly along the west and south shores of Shelburne Pond to a stream entering Shelburne Pond, thence southerly along the stream to Pond Road, thence easterly along Pond Road to the St. George town line, thence northerly along the Shelburne/St. George line to the Williston town line, thence westerly along the Shelburne/Williston line to the South Burlington city line, thence westerly along the Shelburne/South Burlington line to the point of beginning.

Chittenden 5-2 *(1)*

Consisting of that portion of the Town of Williston not located in Chittenden 5-1.

Chittenden 5-3 *(1)*

Consisting of the Town of Charlotte; and that portion of the Town of Shelburne encompassed within a boundary beginning at the intersection of Bishop Road and Spear Street, thence southerly along Spear Street to the Charlotte town line, thence easterly along the Shelburne/Charlotte line to the St. George town line, thence northerly along the Shelburne/St. George line to Pond Road, thence along the common boundary previously described, with District Chittenden 5-1, to the point of beginning.

Chittenden 5-4 *(1)*

Consisting of the portion of the Town of Shelburne not located in Chittenden Districts 5-3 or 5-1.

(6) *Chittenden-7:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 31, 1992.

Chittenden 7-1 *(2)*

Consisting of that portion of the City of Burlington encompassed within a boundary beginning from the shore of Lake Champlain at the southwest corner boundary of the City of Burlington, thence easterly along the boundary line between the City of Burlington and the City of South Burlington to Shelburne Street, thence northerly along Shelburne Street to the intersection of South Willard Street, thence northerly along South Willard Street to Main Street, thence westerly along Main Street to South Union Street, thence southerly along South Union Street to King Street, thence westerly along King Street to St. Paul Street, thence southerly along

St. Paul Street to Maple Street, thence westerly along Maple Street and Maple Street extended to the shore of Lake Champlain, and thence southerly along the shore of Lake Champlain back to the point of beginning.

Chittenden 7-2 *(2)*

Consisting of that portion of the City of Burlington encompassed within a boundary beginning at a point where Maple Street extended westerly intersects the shore of Lake Champlain, thence easterly along Maple Street to St. Paul Street, thence northerly along St. Paul Street to King Street, thence easterly along King Street to South Union Street, thence northerly along south Union Street to Main Street, thence easterly along Main Street to South Willard Street, thence northerly along South Willard Street to Pearl Street, thence westerly along Pearl Street to North Union Street, thence northerly along North Union Street to North Street, thence westerly along North Street to Elmwood Avenue, thence northerly along Elmwood Avenue to the intersection of Spring Street, thence northwesterly along Spring Street and Spring Street extended to the Central Vermont Railway Tracks, thence westerly along said railroad tracks to the Winooski Valley Park Way (Northern Connector), thence southerly along the Winooski Valley Park Way to Manhattan Drive, thence westerly along Manhattan Drive to the intersection of Ward Street, thence westerly along Ward Street to North Avenue, thence southerly along North Avenue to the intersection of Depot Street, thence southerly along Depot Street to the intersection of the southern boundary line of property belonging to Central

Vermont Railway (Burlington College parking lot), thence westerly along said boundary line, thence southwesterly to the northern boundary line of the property to the north of the Moran Plant, thence westerly along said boundary line and said boundary line extended to the shore of Lake Champlain, thence southerly along the shore of Lake Champlain to the point of beginning.

Chittenden 7-2 *(2)*

Consisting of that portion of the City of Burlington encompassed within a boundary beginning at the intersection of Main Street and South Willard Street, thence easterly along Main Street to South Prospect Street, thence southerly along South Prospect Street to the boundary line between the property of the University of Vermont and the Burlington Country Club, thence easterly along said property line and said property line extended to the boundary line between the City of Burlington and the City of South Burlington, thence northerly along the boundary between the two cities to the Winooski River, thence westerly along the Winooski River to the Central Vermont Railway tracks on the Burlington-Winooski Railroad Bridge, thence westerly along said railroad track to the point where Hyde Street extended northerly intersects those tracks, thence southerly along Hyde Street so extended and Hyde Street to the intersection of North Willard Street, and thence southerly along North Willard Street and South Willard Street, back to the point of beginning.

Chittenden 7-4 *(1)*

Consisting of that portion of the City of Burlington encompassed within a boundary beginning at the intersection of Willard Street and Pearl Street, thence westerly along Pearl Street to North Union Street, thence northerly along North Union Street to North Street, thence westerly along North Street to Elmwood Avenue, thence northerly along Elmwood Avenue to the intersection of Elmwood Avenue and Spring Street, thence northwesterly along Spring Street and Spring Street extended to the point where Spring Street so extended intersects Institute Road extended northeasterly into the Intervale, thence northeasterly along Institute Road so extended to the Winooski River, thence southerly along the Winooski River to the Central Vermont Railway tracks on the Burlington-Winooski Railroad Bridge, thence westerly along the railroad tracks to a point where Hyde Street extended northerly intersects those tracks, thence southerly along Hyde Street so extended and Hyde Street to North Willard Street and thence southerly along North Willard Street back to the point of beginning.

Chittenden 7-5 *(1)*

Consisting of all that portion of the City of Burlington encompassed within a boundary beginning where the northerly property line of Leddy Park intersects the shore of Lake Champlain, thence northeasterly along said property line and said property line extended to North Avenue, thence southeasterly along North Avenue to the southerly boundary of Farrington's Trailer Park, thence northeasterly and northwesterly along the boundary of Farrington's

Trailer Park and said boundary extended to the northwest boundary of the corner lot at the intersection of Lopes Avenue and Roseade Parkway including all the residences on the west side of Lopes Avenue and Blondin Circle, thence northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court including all the residences on Roseade Parkway, and continuing to the intersection of Farrington Parkway and Ethan Allen Parkway including all units at 282 Ethan Allen Parkway, thence northerly along Ethan Allen Parkway to a point where the back property lines of property fronting on Farrington Parkway intersect Ethan Allen Parkway, thence northwesterly in a straight line to the northeast corner of the Lyman C. Hunt school property, thence northeasterly along the back property lines of property fronting on Janet Circle to a point where said back property lines intersect the back property lines of property fronting on James Avenue including all residences on Janet Circle, thence northwesterly along the back property lines of property fronting on James Avenue and Sandra Circle and continuing northeasterly along the back property lines of property fronting on Sandra Circle to the intersection of the right-of-way of the Winooski Valley Park Way including all residences on Sandra Circle, thence northerly in a straight line to the Winooski River, thence following the Winooski River easterly to a point where institute Road extended northeasterly meets the Winooski River, thence southwesterly along Institute Road so extended to the point where Spring Street extended northwesterly intersects the same, thence southeasterly along Spring Street so

extended to the Central Vermont Railway tracks, thence westerly along said railroad tracks to the Winooski Valley Park Way (Northern Connector), thence southerly along the center of said Park Way to Manhattan Drive, thence westerly along Manhattan Drive to the intersection of Ward Street, thence westerly along Ward Street to North Avenue, thence southerly along North Avenue to the intersection of Depot Street, thence southerly along Depot Street to the intersection of the southern boundary line of property belonging to Central Vermont Railway (Burlington College parking lot), thence westerly along said boundary, thence southwesterly to the northern boundary line of the property to the north of the Moran Plant, thence westerly along said boundary line and said boundary line extended to the shore of Lake Champlain, thence northerly along the shore of Lake Champlain back to the point of beginning.

Chittenden 7-6 *(2)*

Consisting of all that portion of the City of Burlington encompassed within a boundary beginning where the northerly property line of Leddy Park intersects the shore of Lake Champlain, thence northeasterly along said property line and said property line extended to North Avenue, thence southeasterly along North Avenue to the southerly boundary of Farrington's Trailer Park, thence northeasterly and northwesterly along the boundary of Farrington's Trailer Park and said boundary extended to the northwest boundary of the corner lot at the intersection of Lopes Avenue and Roseade Parkway including all the residences in Farrington's

Trailer Park and on Poirier Place, thence northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court including all the residences on Arlington Court and continuing to the intersection of Farrington Parkway and Ethen Allen Parkway, thence northerly along Ethan Allen Parkway to a point where the back property lines of property fronting on Farrington Parkway intersect Ethan Allen Parkway including the residences on Farrington Parkway, thence northwesterly in a straight line to the northeast corner of the Lyman C. Hunt school property, thence northeasterly along the back property lines of property fronting on Janet Circle to a point where said back property lines intersect the back property lines of property fronting on James Avenue, thence northwesterly along the back property lines of property fronting on James Avenue and Sandra Circle and continuing northeasterly along the back property lines of property fronting on Sandra Circle to the intersection of the right-of-way of the Winooski Valley Park Way, thence northerly in a straight line to the Winooski River, thence northerly along the Winooski River to its intersection with Lake Champlain, thence southerly along the shore of Lake Champlain back to the point of beginning.

Chittenden 7-7 *(1)*

Consisting of that portion of the cities of Burlington and South Burlington encompassed within a boundary beginning in the City of Burlington at the intersection of Main Street and South Willard Street, thence easterly along Main Street to South Prospect Street, thence southerly along South Prospect Street to the boundary line

between the property of the University of Vermont and the Burlington Country Club, thence easterly along said property line and said property line extended to the boundary line between the City of Burlington and the City of South Burlington, thence northerly along the boundary line between the two cities to Main Street, thence easterly along Main Street and Williston Road into South Burlington to Dorset Street including all residences on the south side of Williston Road, thence southerly along Dorset Street to the westbound lane of Route 189 including all residences on the west side of Dorset Street, thence westerly along the westbound lane of Route 189 to Spear Street including all residences on the north side of the westbound lane, thence southerly along Spear Street to Swift Street including all residences on the west side of Spear Street, thence westerly along Swift Street to Shelburne Street including all residences on the north side of Swift Street, thence northerly along Shelburne Street into the City of Burlington to the intersection of South Willard Street, and thence northerly along South Willard Street back to the point of beginning.

Chittenden 7-8 *(1)*

Consisting of that portion of the City of South Burlington starting at a point on Lake Champlain and following the Shelburne-South Burlington boundary easterly to Dorset Street, thence northerly on Dorset Street, including all residences on the west side of Dorset Street, to the westbound lane of Route 189 thence westerly on Route 189 to Spear Street, southerly on Spear Street, including all residences on the east

side of Spear Street, to Swift Street, thence westerly on Swift Street, including all residences on the south side of Swift Street, to Shelburne Road, thence westerly along the Burlington-South Burlington boundary to Lake Champlain.

Chittenden 7-9 *(1)*

Consisting of that portion of the City of South Burlington starting at the junction of Dorset Street and the Shelburne-South Burlington boundary and proceeding easterly, to the junction of the Shelburne-South Burlington Williston boundaries, thence northerly following the Williston-South Burlington boundary to Williston Road, thence westerly, including all residences south of Williston Road to Hinesburg Road, then southerly on Hinesburg Road including all residences on the east side of Hinesburg Road to Kennedy Drive, thence westerly including all residences on the south side of Kennedy Drive to a point 1910 feet east of Dorset Street, thence northerly 1600 feet and thence westerly 1910 feet to Dorset Street thus encompassing the municipal property on which is located the South Burlington High and Middle Schools which serve as the polling place for District 21 (formerly 6-2) thence southerly on Dorset Street to include all residences on the east side of Dorset Street to the point of beginning at the Shelburne-South Burlington boundary.

Chittenden 7-10 *(1)*

Consisting of that portion of the City of South Burlington starting at the junction of the Burlington-South Burlington boundary and Williston Road and following that boundary northerly to the Colchester-South Burlington boundary, thence easterly along the Colchester-

South Burlington boundary and thence southerly along the Essex and Williston boundaries to Williston Road, thence westerly to include all residences on the north side of Williston Road to Hinesburg Road, thence southerly to include all residences on the west side of Hinesburg Road to Kennedy Drive, thence westerly on Kennedy Drive, to include all residences on the north side of Kennedy Drive to a point on Kennedy Drive 1910 feet east of Dorset Street, thence northerly 1600 feet along the municipal property line and thence westerly along that property line to Dorset Street, thence northerly on Dorset Street, including all residences on the east side of Dorset Street to Williston Road, thence westerly to the point beginning at the junction of the Burlington-South Burlington boundary and Williston Road.

(7) *Franklin-3*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 31, 1992.

Franklin 3-1 *(2)*

Consisting of the City of St. Albans; and that portion of the Town of St. Albans from the city line to the Georgia town line on South Main Street including Choinere's Trailer Park, and Simond's and LaPierre's trailer parks off Nason Street but excluding Prospect Hill

Franklin 3-2 *(1)*

Consisting of all of that portion of the Town of St. Albans not located in District Franklin 3-1.

(8) *Franklin-5*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 20. 1992.

Franklin 5-1 *(1)*

Consisting of the Town of Georgia.

Franklin 5-2 *(1)*

Consisting of the Towns of Fairfax and Fletcher.

(9) *Lamoille-2*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 27, 1992.

Lamoille 2-1 *(1)*

Consisting of the Towns of Hyde Park and Wolcott.

Lamoille 2-2 *(2)*

Consisting of the Towns of Morristown and Stowe.

(10) *Rutland-6*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 17, 1992.

Rutland 6-1 *(1)*

Consisting of that portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with North Main Street, thence proceeding southerly along the east side of the center line of North Main Street to the intersection of South Main Street and East Center Street, thence easterly along the north side of the center line of East Center Street to the intersection of East Center Street and East Street, thence easterly along the north side of the center line of East Center Street to Lafayette Street, thence easterly along the north side of the center line of Easterly Avenue to the intersection of Easterly Avenue and Billings Avenue,

thence easterly along the north side of the north side of the center line of Easterly Avenue and Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road, thence southerly along Stratton Road, and including both sides of Stratton Road, to the intersection of Stratton Road and Killington Avenue, thence easterly along the north side of the center line of Killington Avenue, including both sides of Grand View Terrace, to the boundary line between Rutland City and Rutland Town, thence northerly following the boundary line to its intersection with Gleason Road, thence westerly along the center line of Gleason Road, to Woodstock Avenue, thence following the boundary line back to the point of beginning.

Rutland 6-2 *(1)*

Consisting of that portion of the City of Rutland encompassed within a boundary beginning at the boundary of Rutland City and Rutland Town where it intersects with South Main Street, thence proceeding northerly along the center line of South Main Street to the intersection of South Main Street and East Center Street, thence easterly along the center line of East Center Street to the intersection of East Center Street and East Street, thence easterly along the center line of East Center Street to the intersection of East Center Street and Lafayette Street, thence easterly along the center line of Easterly Avenue to the intersection of Easterly Avenue and Billings Road, thence easterly along the south side of the center line of Easterly Avenue and Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road, thence southerly along the center line of Stratton Road to the

intersection of Stratton Road and Killington Avenue, thence easterly along the south side of the center line of Killington Avenue to a point due north of the nearest point of the boundary of Rutland City and Rutland Town, thence southerly to the city line, thence westerly along the city line to the intersection of the city line and South Main Street, thence northerly along the east side of the center line of South Main Street to the point of beginning. This district includes that portion of the City of Rutland that is south of Rutland District 6-1 and east of U.S. Route 7 to the boundary of Rutland City and Rutland Town.

Rutland 6-3 *(2)*

Consisting of that portion of the City of Rutland encompassed within a boundary beginning at that point where North Main Street and Kendall Avenue intersect, thence westerly along the center line of Kendall Avenue to the intersection of Kendall Avenue and Lincoln Avenue, thence southerly along the center line of Lincoln Avenue to Burnham Avenue, thence westerly along the center line of Burnham Avenue to the intersection of Burnham Avenue and Elm Street, thence southerly along the center line of Elm Street to the intersection of Elm Street and Williams Street, thence westerly along the center line of Williams Street to the intersection of Williams Street and Grove Street, thence northerly along the center line of Grove Street to the intersection of Grove Street and Maple Street, thence westerly along the center line of Maple Street to the intersection of Maple Street and Baxter Street, thence northerly along the center line of Baxter Street to the intersection of Baxter

Street and Tenny Brook, thence westerly along the center line of Tenny Brook to the intersection of Tenny Brook and East Creek, thence northerly along the center line of East Creek to the intersection of East Creek and Grove Street, thence northerly to the boundary line between Rutland City and Rutland Town, thence westerly, then southerly and easterly along the boundary line to the intersection of the boundary line and South Main Street, thence northerly along the west side of the center line of South Main Street to the intersection of South Main Street and East Center Street, thence northerly along the center line of North Main Street to the point of beginning. This description encompasses all of the land in Ward 3A and Ward 3B.

Rutland 6-4 *(1)*

Consisting of all that portion of the City of Rutland not located within the boundaries of Districts Rutland 6-1, 6-2 or 6-3.

(11) *Washington 4*: The Boards of Civil Authority did not submit a joint proposal for subdivision.

Washington 4-1 *(1)*

Consisting of that portion of the City of Barre located south of the mid-line of a boundary beginning at Park Street at the Barre Town line going along Park Street to Washington Street, then along Washington Street to Church Street, then along Church Street to Prospect Street, then up Prospect Street and over the bridge, then up to the intersection with Allen Street and continuing on in a straight line in a easterly direction through the Allen Street Field to the Barre Town line. All houses on Allen Street are within this district.

Washington 4-2 *(2)*

Consisting of the Town of Berlin; and that portion of the City of Barre not located in District 4-1.

(12) *Washington-Lamoille-1*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 30, 1992.

Washington-Lamoille 1-1 *(1)*

Consisting of that portion of the City of Montpelier starting at Elm Street north from the intersection of Cummings Street and Elm Street to the Middlesex town line, including both sides of Elm Street, Cummings Street and Gould Hill Road and all other streets that have outlets onto Elm Street; and the Towns of Worcester, Middlesex and Elmore.

Washington-Lamoille 1-2 *(2)*

Consisting of that portion of the City of Montpelier not located in Washington-Lamoille 1-1.

(13) *Windham-2*: Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 30, 1992.

Windham 2-1 *(1)*

Consisting of that portion of the Town of Brattleboro to the west of a boundary beginning at Upper Dummerston Road at the Dummerston town line, thence southeasterly along the center line of Upper Dummerston Road to Interstate 91, thence southerly along the median of I-91 to Williams Street, thence easterly along the center line of Williams Street to where the Whetstone Brook crosses, thence southwesterly along the

western bank of the Whetstone Brook to Lamson Street and southerly along the center line of Lamson Street to Chestnut Street, thence westerly along the center line of Chestnut Street to I-91, southerly along the median of I-91 to the Guilford town line.

Windham 2-2 *(1)*

Consisting of that portion of the Town of Brattleboro to the south of a boundary beginning at the Connecticut River at the Whetstone Brook, westerly along the southern bank of the Whetstone Brook to Elm Street, thence northerly along the center line of Frost Street to Williams Street and following the center line of Williams Street to West Street, thence westerly along the center line of West Street to Williams Street and westerly along the center line of Williams Street to where the Whetstone Brook crosses, thence southwesterly along the eastern bank of the Whetstone Brook to Lamson Street and southerly along the center line of Lamson Street to Chestnut Street, thence westerly along the center line of Chestnut Street to I-91, and east of I-91 to the Guilford Town line.

Windham 2-3 *(1)*

Consisting of that portion of the Town of Brattleboro not located in Windham Districts 2-1 or 2-2.

(14) *Windsor-2:* Subdivision as proposed by the Boards of Civil Authority in materials filed with the Clerk of the House, dated March 26, 1992.

Windsor 2-1 *(1)*

Consisting of the Towns of Barnard and Pomfret; and that portion of the Town of Hartford lying westerly of a boundary beginning at the point on the Norwich-Hartford town line where it intersects the center line of Newton Lane, thence southerly along the center line of Newton Lane to the intersection of Dothan Street, thence westerly along the center line of Dothan Street to the intersection of Dothan Road, thence southerly along the center line of Dothan Road to the intersection of State Route #14, thence westerly along the center line of State Route #14 to the intersection of Runnels Road, thence southerly in a straight line, across the White River to Old River Road, thence southerly along the center line of Old River Road to the intersection of Costello Road, thence southerly along the center line of Costello Road to the intersection of U.S. Route #4, thence westerly along the center line of U.S. Route #4 to the intersection of Waterman Hill Road, thence northerly along the center line of Waterman Hill Road to the intersection of the northerly low water mark of the Ottauquechee River, thence westerly and southerly along the north-westerly low water mark of the Ottauquechee River to the Hartford-Hartland town line.

Windsor 2-2 *(2)*

Consisting of that portion of the Town of Hartford not located in Windsor 2-1.

Windsor 2-3 *(1)*

Consisting of the Towns of Reading and Woodstock.

(15) *Windsor-Windham 1*: The Boards of Civil Authority did not submit a joint proposal for subdivision.

Windsor-Windham 1-1 *(2)*

Consisting of the Towns of Rockingham, Grafton, Windham; and that portion of the Town of Springfield encompassed within a boundary beginning at the Rockingham/Springfield town lines at the Brockways Mills Road, thence north on Brockways Mills Road to Middle Road, thence north on Middle Road to Craigue Hill Road, thence north on Craigue Hill Road to the intersection of Bailey Street, thence following Bailey Street to the intersection of Holt Street, following Holt Street back to Craigue Hill Road, then following Craigue Hill Road to Union Street, following Union Street to Park Street, thence following Park Street to Herrick Street, thence following Herrick Street to Dean Street to Foster Avenue, thence following Foster Avenue to Goodyear Avenue, thence following Goodyear Avenue to Eric Street, thence to Ridgewood Road, following Ridgewood Road to Park Street to the intersection of the Chester Brook, thence following the Chester Brook to the Old Chester Road, thence following the Old Chester Road to Route 11, thence following Route 11 to the Fairground Heights Road, thence easterly on Fairground Heights Road to Fairground Road South to Route 11, thence east on Route 11 to the Black River, thence following the Black River north to a point due east of the intersection of French Meadow Road and Spoonerville Road running due west to the Chester town line, thence south along the Springfield/Chester town lines to the Springfield/Rockingham town lines, thence east to the point of beginning.

Windsor-Windham 1-2 *(2)*

Consisting of all that portion of the Town of Springfield not located in District Windsor-Windham 1-1.

Sec. 2. 17 V.S.A. § 1893 is amended to read:

§ 1893. INITIAL DIVISION

The state is divided into the following initial districts, each of which shall be entitled to the indicated number of representatives:

* * *

Franklin-Grand Isle-1	Swanton *[,]* *and* Alburg *[, Grand Isle, Isle La Motte, North Hero and South Hero]* [3]* (2)
Grand Isle-1	*Grand Isle, Isle La Motte,* North Hero and *South Hero.* . . . (1)

* * *

Windham-2	Brattleboro *[, Guilford and Vernon. . . . 4]* (3)

* * *

Windham-5	Guilford and Vernon. . . . (1)

* * *

Sec. 7. REDESIGNATION

(a) Washington-Lamoille 1-2 is redesignated as Washington-5.

(b) Windsor-Windham 1-2 is redesignated as Windsor-6.

Sec. 8. EFFECTIVE DATE

This act shall take effect from passage.

Approved: April 25, 1992

SPECIAL HOUSE COMMITTEE ON REDISTRICTING

July 8, 1993

A meeting of the Special House Committee on Redistricting was held on Thursday, July 8, 1993, at 1:30 p.m. in Room 11 of the State House in Montpelier, Vermont.

Members present:

Speaker Ralph Wright
Rep. Sean Campbell
Rep. Howard Crawford
Rep. Peter Mallary
Rep. Richard Westman

Legislative staff present:

William P. Russell	Chief Legislative Counsel

Witnesses present:

Don Hooper	Secretary of State
Claudia Horack Bristow	Deputy Secretary of State
Rep. Albert Perry	

* * *

Mr. Russell: . . .

It may be that it is impossible to satisfy all these criteria throughout the state. And I don't [think] that we have seen a plan in which it is possible to satisfy them all. But, yes, the first criteria is the one person one vote criteria. That has to be watched throughout. The court's objection was that the legislature didn't sufficiently in their view tell the court why it didn't – why it had to breach the nonnumerical criteria such as the county lines in the Montgomery case. And so your option is to reconsider whether it can do better, but you have always got to watch out for that first numerical criteria.

SPEAKER WRIGHT: Well, when you talk about that, is the deviation of .08?

MR. RUSSELL: Yeah, the plan (interrupted)

SPEAKER WRIGHT: Either way, plus or minus.

MR. RUSSELL: Your plan that you passed last year is approximately 17 percent deviation adding the pluses and the minuses. That is a little bit better than the plan presented to you.

SPEAKER WRIGHT: Wait a minute. Let me back(?) up(?) Don, clarify this. Was it .08 or .09?

SEC. OF STATE HOOPER: .08.

SPEAKER WRIGHT: .08.

SEC. OF STATE HOOPER: .08. The total of the safe(?) harbor(?) was 16.4.

REP. WESTMAN: That was the ones with the safe harbor. But we went past the .08.

SPEAKER WRIGHT: We did? On an average?

REP. WESTMAN: No. But we stretched it in at least two places that I am aware. And it went to, I think (interrupted)

SPEAKER WRIGHT: One was over in your district.

REP. WESTMAN: It was my district and the neighboring district. And I think it was .088.

SPEAKER WRIGHT: Okay. So we have gone that high.

MR. RUSSELL: Guilford.

REP. WESTMAN: Guilford was another one.

MS. BRISTOW: 8.2 was the guideline.

REP. WESTMAN: Was the guideline we followed, but we did stretch in I think at least – I think you are right (inaudible)

SPEAKER WRIGHT: What was the average for the state, deviation? Was it well within two or three.

SEC. OF STATE HOOPER: Yes.

REP. WESTMAN: It was well (interrupted) -

SPEAKER WRIGHT: So we only had two or three districts we just couldn't do anything with. There was no other (inaudible). Montgomery is not one of those?

REP. WESTMAN: No. Montgomery fit within 8.

SPEAKER WRIGHT: What is their deviation, could somebody tell me.

REP. CAMPBELL: Here – on the last page here. The greatest negative deviation is 8.66 percent. The greatest positive is 8.9. So we are floating between almost 9 percent and a negative 8.6 percent.

* * *